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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,855	12/07/2000	Jean-Loup Chretien	MSC-23037-1-SB	8897

24957 7590 01/30/2003

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EXAMINER

LUU, THANH X

ART UNIT PAPER NUMBER

2878

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,855

Applicant(s)

CHRETIEN ET AL.

Examiner

Thanh X Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 23-38 and 43-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. Applicant's election with traverse of Group I, Claims 1-22 and 39-42 in Paper No. 3 is acknowledged. The traversal is on the ground(s) that although the inventions may be independent and distinct, it is more efficient to handle the inventions together. This is not found persuasive because searching the various different areas related to each invention creates an undue burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 23-38 and 43-50 are withdrawn from consideration because they are drawn to a non-elected invention. Examiner further notes that claim 50 was not included in Group I because it appears that claim 50 intended to be dependent from claim 43.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 10-15 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kan et al. (U.S. Patent 5,541,705).

Regarding claims 1 and 10 Kan et al. disclose (see Figure 1) a method

comprising: receiving incident light intended for a receptor (7); sending part of the incident light to a sensor (10), wherein the sensor is in a first plane and the incident light is in a second plane; identifying a portion of the incident light that exceeds a predetermined threshold intensity; and adjusting the opacity of a first plurality of cells (3) of a matrix corresponding to the portion. Kan et al. further disclose (see Figure 1) receiving the incident light into a beamsplitter (5) and refracting part of the incident light to the sensor (10).

Regarding claims 11-15 and 22 Kan et al. disclose (see Figure 1) a system comprising: a light deflector (5) to redirect incident light of an image being received by a receptor (7); a sensor (10) to receive the redirected incident light; a matrix (3) comprising a plurality of cells, wherein the opacity of each of the cells may selectively be adjusted; and a controller (8, 9) coupled to the matrix, wherein the controller receives information about the intensity of the redirected incident light from the sensor and adjusts the opacity of one or more cells of the matrix based on the information. Kan et al. further disclose (see column 2, lines 45-50) the matrix comprises a plurality of two-dimensional transmissive liquid crystal display cells, the deflector (5) comprises a beamsplitter, an adjustable lens (1) which receives the incident light and focuses the incident light on the matrix. Kan et al. also disclose (see Figure 5) the sensor (10) comprises a plurality of photoreceptor cells. Lastly, since the device of Kan et al. is automated, it inherently uses a processor and software to control the system.

5. Claims 1-4, 6, 7 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes (U.S. Patent 5,671,035).

Regarding claims 1-4, 6 and 7 Barnes discloses (see Figure 1) a method comprising: receiving incident light intended for a receptor (eyes); sending part of the incident light to a sensor (10 or 11), wherein the sensor is in a first plane and the incident light (on the receptor) is in a second plane; identifying a portion of the incident light that exceeds a predetermined threshold intensity; and adjusting the opacity of a first plurality of cells of a matrix corresponding to the portion (see also column 8, lines 30-44). Barnes further discloses (see column 8, lines 30-60) associating a first intensity value to the incident light; and comparing the first intensity value to the predetermined threshold intensity. Barnes further discloses (see column 8, lines 45-60) identifying an axis or a second axis (light of sight of the pupils) between the receptor in a first position or second position and a source, wherein the axes intersect the matrix; and adjusting the opacity of the first plurality of cells of the matrix which are substantially near the intersection of the axes. Barnes also discloses (see Figures 1, 2 and 4) identifying a bright light source (sun) in the incident light; identifying a direction of sight of the receptor (pupil sensor 34); and adjusting the first and a second plurality of cells of the matrix when the direction of sight is within an active zone (see also column 7, lines 40-49).

Regarding claims 39-42, Barnes discloses (see Figure 2) an article comprising a medium (ROM or RAM) storing software which, when executed, causes a processor-based system to: receive light intensity information from a sensor (10 or 11) where the sensor is not in a primary image plane; compare the light intensity information to predetermined threshold intensity value (see column 8, lines 30-44); and adjust the

opacity of one or more cells of a matrix (8 or 9). Barnes further discloses (see Figures 1 and 4, and column 7, lines 40-49) monitoring (34) a position of a receptor or light source; and adjusting the opacity of additional or a second plurality of cells of the matrix when the position of the receptor changes or is not substantially toward the light source. The receptor includes more than one optical receiver (eyes).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes.

Regarding claim 5, Barnes discloses the claimed invention as set forth above. Barnes does not specifically disclose increasing the opacity of the first plurality of cells. However, the decision to increase or decrease the opacity depends of the amount of light detected. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to increase the opacity of the first plurality of cells in the apparatus of Barnes to reduce glare as desired.

Regarding claim 8, Barnes discloses the claimed invention as set forth above. Barnes does not specifically disclose the second plurality of cells is larger than the first plurality of cells. However, the particular size of the cells is a matter of design choice. It would have been obvious to a person of ordinary skill in the art at the time the invention

was made to provide one plurality of cells larger than another in the apparatus of Barnes to provide a desired effect.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Horn (U.S. Patent 4,848,890).

Regarding claim 9, Barnes discloses the claimed invention as set forth above. Barnes does not specifically disclose taking parallax into account when adjusting the opacity of the first plurality of cells. Horn teaches (see column 3, lines 20-30) compensating for parallax in adjusting the opacity of a matrix. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to select the first plurality of cells based upon a parallax effect the apparatus of Barnes to provide more accurate adjustments.

9. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kan et al.

Regarding claims 16-18, Kan et al. further disclose (see column 3, lines 10-15) the beamsplitter passes a smaller percentage in one path than another path. Kan et al. do not specifically disclose the exact ratios in which the light is divided as claimed. However, choosing the specific amount of deflection percentage for the beamsplitter is a matter of design choice and requires only routine skill in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide such a beamsplitter in the apparatus of Kan et al. as desired to obtain better intensity gauging signals.

Regarding claims 19-21, Kan et al. further disclose (see Figure 5) the sensor

comprises a plurality of photoreceptor cells. Kan et al. also disclose (see Figure 1) the sensor located inside a camera body. In controlling the opacity, the controller controls parameters. Kan et al. do not specifically disclose a CCD. However, CCDs are notoriously well known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a CCD in the apparatus of Kan et al. for improved detection.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Witt (U.S. Patent 4,462,661) discloses a similar intensity controlling apparatus and method.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta, can be reached on (703) 308-4852. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl
January 24, 2003


Thanh X. Luu
Patent Examiner